



TELECOMMUNICATIONS BULLETIN

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CMS 06- 03

**Bureau of Communication
and Computer Services**

From:

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Additional Information on "Do Not Call Registry"

The Department of Central Management Services (CMS) recently issued Bulletins regarding industry rumors of a published national cellular telephone directory. We have continued our investigation regarding what protections and safeguards are available to cellular users — both consumers and business users.

We have been in contact with the Federal Communications Center in Gettysburg, PA(FCC) and received more detailed analysis of the situation. Essentially, the Telephone Consumer Protection Act [Title 47 U.S.C. 227 (b), commonly known as TCPA] applies to consumers and not businesses or governmental bodies. While this legislation offers greater protection to private consumers, the rules state (with certain exceptions) that it is unlawful for ANY PERSON to make ANY telemarketing CALL to ANY wireless telephone number. With inclusion of that language, the FCC holds that a business subscriber would also have protection. The FCC has interpreted 'ANY PERSON' to include any nonprofit entity, political caller, survey-taker, or religious caller.

The TCPA strictly prohibits live solicitation calls to wireless numbers using an autodialer. The Act does not, however, prohibit all live solicitation calls (those for emergency purposes, calls made with prior express consent of the cellular owner, and calls from an entity with an established business relationship with the wireless subscriber).

In response to growing complaints over unwanted solicitations, The National Do-Not-Call Registry was established for consumers to register their home and cellular telephone numbers. The Registry, as a consumer-based tool, was designed with input restrictions. There is no programming that allows for a large export of data for mass-registration; thus, CMS was unable to send any text or data file of all state cellular numbers. Agency Coordinators attempting to enter cellular numbers for all their subscribers have discovered the Registry prohibits entry of large blocks of numbers from one email account. Therefore, if agencies and/or individual state wireless users are concerned about the disruption and minutes of use caused by unwanted solicitations, we recommend that each cellular user take advantage of the National Do-Not-Call Registry.

If after registry on the Do-Not-Call List, any of your agency's cellular users experience difficulties with unwanted solicitations, the following remedies are available: 1) file a private suit in Illinois court, 2) file a complaint with the State's Attorney and Better Business Bureau, and 3) file a complaint with the FCC.

If you have additional questions or concerns regarding the State's cellular service and the products, plans, and options available, please do not hesitate to contact us:

Communications Solution Center (CSC)

800-366-8768

or

217-524-4784

Option 2: New/Existing Services

Sub Option 5: Cellular

For more information...
visit our website at
www.state.il.us/cms/telecom

Additional References and Resources:

For more information on the Telephone Consumer Protection Act and "do-not-call" issues, please see:

<http://www.fcc.gov/cgb/donotcall/>

For more information on the Federal Communications Commission Enforcement Bureau, Telecommunications Consumers Division, please see:

<http://www.fcc.gov/eb/tcd>

For additional information regarding the Federal Trade Commission rules governing interstate telemarketing, please see:

<http://www.ftc.gov>

To file a complaint with the Federal Commerce Commission, complete the Consumer Complaint form on-line at:

<http://svartifoss2.fcc.gov/cib/fcc475.cfm>

Or, write a letter of complaint to:

**Federal Communications Commission
Consumer and Governmental Affairs Bureau
Consumer Inquiries and Complaints Division
445 12th Street, S.W.
Washington, DC 20554**